

REMARKS/ARGUMENTS

The Applicant respectfully requests reconsideration of this application. The Applicants gratefully acknowledges the Office's withdrawal of the rejection under 35 U.S.C. §103(a) over Cohen, Cohen et al., Cheadle et al. and Baghian et al.

By the amendments, Applicant does not acquiesce to the propriety of any of the Office's rejections and does not disclaim any subject matter to which Applicant is entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997).

In the Claims

Claims 1-5 remain in this application. Claim 1 has been amended to add new step (g) to recite quantitating the numbers of DCs and AReg in the differentiated cell population. Previous step (g) is now step (h). Support for the amendment to claim 1 can be found throughout the specification, for example in paragraph [0063] and [0098]-[0101].

Claim 4 has been amended to correct the dependency and to correct a typographical error.

Claim 5 has been amended for clarity to correct the antecedent basis. The term "tolerogenic" has been replaced with "immunosuppressive". Support for this amendment can be found throughout the specification, for example in paragraph [0043] and claim 1. Claim 5 was further amended to reflect that tolerance to said antigen results from the pretreatment with the immunosuppressive NICE.

No new matter has been introduced as a result of the claim amendments.

35 U.S.C. § 112 Rejections

Claims 1-5 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being incomplete for omitting essential steps, such omission amounting to a gap between the steps. (Office Action dated June 23, 2010, hereinafter "OA", page 2). The Office asserts that the step of "determining the number of dendritic cells (DCs) and regulatory macrophages (AReg)" is omitted. The Applicant has amended claim 1 to

include step of “quantitating the numbers of DCs and AReg in the differentiated cell population.”

Claim 4 has been rejected as lacking antecedent basis for the term “immunosuppressive mouse.” Applicant has amended this phrase to recite “immunosuppressed mouse”.

Claim 5 has been rejected for use of the term “tolerogenic NICE”. Without agreeing to the propriety of this rejection, and solely to advance prosecution of the pending claims, Applicant has amended claim 5 to recite “immunosuppressive NICE”.

Thus, due to the claim amendments, Applicant respectfully asserts that the claims are patentable under 35 U.S.C. §112, second paragraph.

Conclusion

In light of the arguments and claim amendments presented *supra*, the Applicants respectfully asserts that the pending claims are in condition for allowance and requests that a timely Notice of Allowance be issued in this case.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-3207.

Respectfully submitted,

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